

Release
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**SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF APRIL 19, 1999**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-54 Estevanovich v. City of Riverside, S077146. (E018016; 69 Cal.App.4th 544.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents an issue, concerning the proper application of the rational relationship equal protection standard, which is related to an issue before the court in Warden v. State Bar, S060702. (See #97-78.)

#99-55 Harral v. Foster, S077349. (D027649.) Unpublished opinion. Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents an issue, concerning whether the statute of limitations for a products liability claim commences when the plaintiff has knowledge of the injury and possible medical malpractice when the product defect is unsuspected and is seemingly unrelated to the alleged malpractice, which is related to an issue before the court in Norgart v. Upjohn Co., S071633. (See #98-121.)

#99-56 People v. Deptowicz, S077109. (B118828; 69 Cal.App.4th 979.)
Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#99-57 People v. Tillman, S077360. (B119961; 69 Cal.App.4th 945.)
Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

Deptowicz and Tillman both present an issue, concerning whether a Court of Appeal may decline to consider a claim the trial court failed to impose a mandatory fine when the People have not first sought correction in the trial court, which is related to an issue before the court in People v. Baltazar, S075450 (see #99-23) and People v. Parker, S074831 (see #99-24).

#99-58 People v. Hester, S077187. (H017911; 69 Cal.App.4th 899.)
Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offense. This case concerns the validity of rule 412(b) of the California Rules of Court, which provides that a defendant who agrees to a specified prison term generally is considered to have abandoned any claim that a component of the sentence violates Penal Code section 654's prohibition of double punishment unless the claim is asserted at the time the agreement is recited on the record.

DISPOSITIONS

The following cases were dismissed and remanded to the Court of Appeal:
#97-50 People v. Hicks, S058806.
#97-60 People v. Rusco, S059576.
#97-99 International Brotherhood of Electrical Workers v. Superior Court, S061492.

#97-102 People v. Buzo, S060991.

STATUS

The court ordered briefing to proceed in People v. Gonzalez, S069308 (#98-74) and People v. Sanchez, S066991 (#98-25), which were originally held for People v. Ortega, 19 Cal.4th 686, and which present an issue concerning whether gross vehicular manslaughter while intoxicated is a lesser included offense of murder.

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